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10/092,700

REMARKS

Claims 1-23 are pending in the application. By this Amendment, Applicant has canceled claims 10-23 without prejudice. Claims 1-9 remain in the application without amendment.

For the sake of expediting the allowance of the remaining claims, claims 10-23 have been canceled without prejudice. Thus, any of the objections and rejections applicable to these claims are moot.

Pending claims 1-9 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 21-25 of copending Application No. 10/092,770. Applicant intends to file a Terminal Disclaimer to obviate the double patenting rejections after some claims are found allowable.

Pending claims 1-3 and 7 stand rejected under 35 USC 102(e) as being anticipated by Wild (USPN 5,962,480). Applicant respectfully traverses this rejection.

In rejecting independent claims 1 and 7 and in rejecting the arguments made for patentability in the previous Amendment, the Examiner asserts that Wild, at column 10, lines 45-58, teaches "a reprioritized group of wireless communication systems having a second system acquisition order " Upon careful reading of the disclosure at column 10, lines 43-58, the disclosure describes an access server that sends to a subscriber unit a list of accessible networks in a prioritized order or with the priority otherwise indicated. In contrast, the combination defined by the claim 1 includes a mobile station that, among other things, "selects a group of wireless communications systems . . . having a first system acquisition order"; "measures a signal quality for each of the selected systems"; and "reprioritizing the group of wireless communications systems in accordance with the measured signal quality, the reprioritized group of wireless communications systems having a second system acquisition order." Wild does not

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teach a mobile station that performs these steps. Claim 7 has similar limitations. Thus, independent claims 1 and 7 are patentably distinguishable over the cited reference.

Accordingly, the rejection of the claims under 35 USC 102(e) should be withdrawn in the next Office action. Further claims 2-6, 8, and 9 are allowable at least by virtue of their dependency on allowable independent claims 1 and 7. If this rejection is maintained in the next Office action, Applicant respectfully requests a pinpoint cite to the column and line number of the reference for the missing teachings of the limitations of the claims.

Applicant respectfully requests that this Proposed Amendment After Final be entered by the Examiner, placing claims 1-9 in condition for allowance. Applicant submits that the proposed cancellation of claims 10-23 does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicant submits that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the claims.

In view of the foregoing, Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

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If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Dated: August 2, 2004
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